IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 2420 of 2006

For Approval and Signature:

HONOURABLE MR.JUSTICE AKIL KURESHI

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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BIPINCHANDRA PRABHUDAS JASANI - Petitioner(s)
Versus
GUJARAT SECOND SECONDARY EDUCATION TRIBUNAL & 5 - Respondent(s)

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Appearance :
MR SN SHELAT-SENIOR ADVOCATE WITH MR VILAS G GOSWAMY for Petitioner(s) : 1,
MR SIRAJ GORI, AGP for Respondent(s) : 1-6.

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CORAM : HONOURABLE MR.JUSTICE AKIL KURESHI

Date : 24/08/2006

ORAL JUDGMENT

1. I have heard learned senior advocate Shri S.N.Shelat appearing with Shri V.G. Goswamy for the petitioner and learned AGP Shri Siraj Gori for the respondents. This petition has been

filed on account of the fact that learned Judge of the Gujarat Second Secondary Education Tribunal on finding the behaviour of one of the learned advocate objectionable, made reference to this Court to take cognizance of the criminal contempt committed by the said learned advocate. At the outset learned senior advocate Shri Shelat for the petitioner sought permission to delete paragraph 20 of the petition since it was pointed out by learned AGP Shri Gori that same would not be in a good taste.

2. Learned senior advocate Shri Shelat further submitted that the petitioner would like to approach the learned Member of the Tribunal with an unconditional apology and with a request to reconsider the entire issue of initiating the contempt proceedings.

3. In view of this changed circumstances, I find it appropriate that learned Member of the Tribunal may consider the apology of the petitioner which is being promised of being tendered before the

learned Judge. Learned senior advocate Shri Shelat points out that such an apology has already been tendered before this Court. However, it would be in the fitness of things that same be tendered before the learned Judge who has felt offended by the behaviour of the learned advocate.

4. To permit the learned Judge to reconsider the issue, it would be necessary to remand the proceedings and to come to a fresh conclusion on the basis of apology that may be tendered. For the above purpose, impugned order dated 17-1-2006 is quashed. The petitioner is permitted to approach learned Member with an unconditional apology upon which the learned Judge is requested to reconsider the issue and pass fresh orders as may be found necessary.

5. With these directions, the petition is disposed of. Rule made absolute to the above limited extent with no order as to costs.

(Akil Kureshi, J.)

(raghu)